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ABSTRACT

The United States Senate's Subcommittee on Juvenile Justice heard testimony on minority overrepresentation in the juvenile justice system and the sentencing of minorities within that system. In particular, the Subcommittee heard testimony from eight witnesses who suggested short- and long-term approaches for helping to eliminate racial bias in the juvenile justice system, as well as the need for more family and community services. Before the witnesses testified, Senator J. R. Biden, Jr., addressed the subcommittee on the pressing nature of the issues. The following witnesses appeared in two panels: (1) T. Cavalier, an apprentice at Youth Development, Inc. (Albuquerque, New Mexico); (2) R. Chavez, the Assistant Executive Director of Youth Development, Inc. (Albuquerque, New Mexico); (3) I. Fulwood, Jr., Chief of Police in Washington (District of Columbia); (4) C. Hunter, a graduate of Kenosha County (Wisconsin) Community-Based Services Program; (5) D. Ramirez, a judge in Denver (Colorado); (6) L. LeFlore of the Institute of Juvenile Justice Administration and Delinquency Prevention (Hattiesburg, Mississippi); (7) C. Williams of the Center for the Study of Social Policy (Washington, District of Columbia); and (8) C. O'Donnell of the Center for Youth Research, University of Hawaii (Honolulu, Hawaii). The witnesses described their personal experiences either as minority individuals in the juvenile justice system or as workers within the system and made suggestions for change and correction. (JB)

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MINORITY OVERREPRESENTATION IN THE JUVENILE JUSTICE SYSTEM

HEARING

BEFORE THE

SUBCOMMITTEE ON JUVENILE JUSTICE

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED SECOND CONGRESS

FIRST SESSION

ON

THE STATUS OF THE JUVENILE JUSTICE SYSTEM IN AMERICA, FOCUSING ON THE CAUSES OF MINORITY OVERREPRESENTATION AND THE PLIGHT OF MINORITY YOUTH IN INNER CITIES

JUNE 25, 1991

Serial No. J-102-28

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MINORITY OVERREPRESENTATION IN THE JUVENILE JUSTICE SYSTEM

TUESDAY, JUNE 25, 1991

U.S. SENATE,
SUBCOMMITTEE ON JUVENILE JUSTICE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Herb Kohl (chairman of the subcommittee) presiding.

OPENING STATEMENT OF HON. HERBERT KOHL, A U.S. SENATOR FROM THE STATE OF WISCONSIN

Senator KOHL. Good morning. I am pleased to call this hearing to order. Today, we are going to take a hard look at the increasing numbers of minority youth in the juvenile justice system and the sentences that they receive.

The United Negro College Fund reminds us that "A mind is a terrible thing to waste," but with respect to blacks in the juvenile justice system, we certainly have not listened. Blacks account for no more than 17 percent of the total adolescent population, and yet nearly 40 percent of the kids in State-run detention centers are black.

More troubling still is that black teens are four times more likely to face incarceration than their white counterparts who commit the same offense, and that more young black men in this country are in the criminal justice system than, in fact, are in college.

Some argue that young black males are put in jail at higher rates simply because they commit more offenses, but last year the National Council of Juvenile and Family Court Judges found that the disparate handling of minority juveniles plays a major role in their overrepresentation, from arrest to detention to incarceration.

Blacks are not the only minority group disproportionately represented. When we began locking up more kids in the early 1980's, the numbers of Hispanic, Asian American and Native American adolescents behind bars also increased. In fact, minority youth as a whole represented 93 percent of that increase.

The cost of such minority overrepresentation in human terms is well known. Putting kids who are not violent in secure settings increases the risk that they will suffer mental and physical health problems and end up unemployed or homeless. More tragically, it increases the risk that they will become career criminals.

The costs in fiscal terms are just as staggering. According to the Justice Department, this year it will cost over $2 billion to confine young people in public and private facilities. That total keeps on climbing. In fact, the cost of confining a juvenile in a training school has risen 30 percent in constant dollars over the past decade.

This morning's hearing comes none too soon. By the turn of the century, one out of every three adolescents in this country will be a member of a minority group. As such, they will make up a large portion of the new entrants to the work force. We cannot expect to remain competitive in the global marketplace if we put the fastest growing group of new workers behind bars.

Today, our expert witnesses will lay out a number of short- and long-term approaches for helping to eliminate racial bias in the juvenile justice system. They will tell us that training and more objective guidelines would help restore equity, as would improving the quality and quantity of legal representation for minority offenders.

The sad truth is that more than half of all juveniles waive their right to counsel. The right to counsel was guaranteed by the Supreme Court more than 20 years ago. Even more disturbing is the evidence suggesting that even when minority youth do have attorneys, oftentimes they do not always get competent ones.

Our witnesses today will focus on the need for more family and community services. Minority families are less likely to obtain a wide range of prevention and intervention services. According to one survey, white families were three to four times more likely to be assisted by health, education and social service organizations than black or Hispanic families. Making family- and community-based delinquency prevention a priority for minority youth would go a long way toward reducing their numbers in the justice system.

As chairman, I will be looking at these approaches and others. The scales of justice were never meant to be color-coded, and we will remain a strong and free nation if, and only if we provide equal opportunity and justice for all young Americans.

We have a statement from the chairman of the full committee, Senator Biden, which we will insert into the record at this point.

[The prepared statement of Senator Biden follows:]

PREPARED STATEMENT OF HON. JOSEPH R. BIDEN, JR., A U.S. SENATOR FROM THE STATE OF DELAWARE

This is the second hearing to be held by the Juvenile Justice Subcommittee on the problems facing America's youth. Today's hearing will focus on the problem of minority overrepresentation in the juvenile system.

Public outrage over the plight of children in our juvenile justice system led to enactment of the Juvenile Justice and Delinquency Act of 1974. By far the most comprehensive and far-reaching piece of legislation to be enacted on jeveniles, the act represented our Nation's first clear commitment to improve the quality of our juvenile justice system.

To help States improve the quality of their juvenile justice system, the Juvenile Justice and Delinquency Prevention Act contained several mandates for States to follow in order to receive their grant money. Some of the most basic goals of the mandate were the removal of juveniles from adult jails and prisons, and the removal of runaways and other status offenders from secure detention facilities.

But the act was amended in 1988 to contain another important mandate—the one we are concerned with today. In 1988 Congress amended the act to require States to reduce the proportion of minority youth in confinement. Each State is to determine

whether minority youth are confined in scure facilities in disproportionate numbers, and if so, to develop effective strategies to address the problem.

Our Nation has only just begun to address this serious problem. Far from developing effective strategies to deal with this problem, many States are still in the process of developing data collection systems. For those States that have gathered preliminary statistics, the question remains on how best to deal with the problem.

According to the latest *Children in Custody Report* prepared by the Office of Juvenile Justice and Delinquency Prevention—on a given day in this country, over 53,503 juveniles are held in public custody facilities. Of the approximately 53,000 juveniles in custody, over 30,000 are minorities. That is, almost 60 percent of juveniles held in public facilities are either black, Hispanic, or other ethnic minorities.

Furthermore, between 1987 and 1989, the number of black and Hispanic juveniles in custody increased 14 percent and 10 percent, respectively. However, the number of white juveniles held in custody decreased by 5 percent.

It is clear that the problem of minority overrepresentation in our juvenile justice system is indicative of a larger, more disturbing problem in our society.

Today, for the first time in the United States, we are witnessing a new generation of children who are truly disadvantaged. One in four babies in this country is born into poverty. For the millions of children born into poverty, too many of them are accustomed to the pain and disparity of community violence, aids, homelessness, and substance abuse. Minority communities are especially vulnerable to the problem of poverty, high unemployment, few educational opportunities, and violence.

Homicide is the second leading cause of death among the 15- to 24-year-old. For black youth, it is the leading cause of death among the 15- to 24-year-old. The abundance of firearms on our streets has much to do with the increase in violence. Between 1984 and 1986, the number of youths ages 15 to 24 killed by firearms was up 16 percent and up 20 percent for black youths.

Federal and State programs designed to assist our young people have not kept pace with the rapidly changing face of American society. An effective Federal response to juvenile delinquency must incorporate the special needs of minority youth. Although we have begun to make progress in this area, too many youth in this Nation continue to suffer.

We have an enormous task ahead of us. But today's hearing marks the first important step in helping to address some of the most serious problems that plague our juvenile justice system—including minority overrepresentation. I welcome the opportunity to work with my colleagues Senator Kohl and Senator Brown to confront this issue.

Senator KOHL. Our first panel this morning will give us a perspective of young people, community advocates, and law enforcement on this issue. I would like to call Cantrell Hunter, Tomas Cavalier, Rudy Chavez, and Chief of Police Isaac Fulwood to the witness table.

Is Cantrell Hunter here?

[No response.]

Senator KOHL. He is flying in from Wisconsin and perhaps not with us yet this morning.

Tomas Cavalier earned his high school diploma through a GED program at Youth Development, Inc. [YDI], in Albuquerque, NM. Tomas is now serving as an apprentice painter in YDI's small business program. Accompanying Tomas is Rudy Chavez, the assistant executive director of YDI. Rudy has been with YDI for almost 20 years, working with delinquent and at-risk youth. Due to his efforts, YDI has made tremendous progress in reducing minority overrepresentation in Albuquerque's juvenile justice system.

We are also honored today to have with us Chief Isaac Fulwood, representing the District of Columbia Police Department. Chief Fulwood has been an eloquent spokesperson about the need for community and family programs for youth in trouble. We look forward to hearing his views on minority youth and the juvenile justice system in our Nation's capital.

Tomas, why don't we start with you?

PANEL CONSISTING OF TOMAS CAVALIER, APPRENTICE, YOUTH DEVELOPMENT, INC., ALBUQUERQUE, NM; RUDY CHAVEZ, ASSISTANT EXECUTIVE DIRECTOR, YOUTH DEVELOPMENT, INC., ALBUQUERQUE, NM; ISAAC FULWOOD, JR., CHIEF OF POLICE, METROPOLITAN POLICE DEPARTMENT, WASHINGTON, DC; AND CANTRELL HUNTER, GRADUATE OF KENOSHA COUNTY COMMUNITY-BASED SERVICES PROGRAM, KENOSHA, WI, ACCOMPANIED BY DENNIS BEDFORD

STATEMENT OF TOMAS CAVALIER

Mr. CAVALIER. Good morning, Mr. Kohl. I would like to thank you for having me here, and thank Youth Development for helping me out. There is no doubt in my mind, if it wasn't for Youth Development, I would be in prison at this time.

I would like to start my testimony by reading a letter from my mother:

> Today, I received the news that my son, Tomas Cavalier, was selected to attend the Youth Development, Inc., Senate hearings in Washington, DC. Needless to say, I am very proud of Tomas. He has been an inspiration to the family. Being a single parent responsible for sole support of my family, it has not always been easy raising my children, but I have always maintained my faith in God to give me the strength necessary to stand by them.
>
> Tomas is a very talented individual. He is the youngest of my three sons. I have experienced great tragedies in my life. Drugs affect everyone in this country of ours. My family has been touched by this painful reality. Luckily, Tomas found programs like the Police Athletic League and the Youth Development Program. He is a three-time Golden Gloves Champion and a five-time Junior Olympic Champion.
>
> YDI has impacted Tomas in a very positive manner by providing job counseling, personal guidance, and meaningful work experience for him. The program helps many youth in our community which has been devastated by the influx of drugs and crime. Those individuals in charge of these programs, however, have stood steadfast in their commitment to youth such as Tomas that we will not permit these negative influences to take over our children's lives.
>
> In my work for the New Mexico Department of Labor, I supervise youth participants from YDI. I derive great satisfaction in working with these youth. I have great faith that we can make a difference by providing meaningful work experience and guidance. The participants that have been referred to us are eager, enthusiastic, bright and full of youthful energy.
>
> We owe the youth of our country a responsibility to help them realize their goals and aspirations. In my opinion, YDI has accepted that responsibility and deserves all the support from our country's leaders to continue their struggle on behalf of the youth in our great country.
>
> Listen to what Tomas has to say about YDI because he speaks from experience and represents many other youth who have benefitted in a very positive way from their efforts. Sincerely, Flora Cavalier.

I started with YDI when I was 15. I dropped out of school and started hanging with an older crowd and getting in trouble, drinking, and I started getting involved with gangs and drugs. I was referred to YDI by a relative, and they took me in and they really helped me. They taught me a trade.

I think we need more programs like the Youth Development Program that go out into the community; they go into your homes. There are other young men in the company that don't even have a place to stay; they have group homes for them. They are out there; they show a lot of support and interest in the young people of our community.

There is no doubt in my mind, if I wouldn't have gone to YDI, I would be in prison at this time. I wouldn't be here testifying. And I

would like to thank Senator Kohl and Youth Development and your staff, and thank you very much.

Senator KOHL. Good. Thank you, Tomas.

Mr. Chavez.

STATEMENT OF RUDY CHAVEZ

Mr. CHAVEZ. Senator Kohl, my name is Rudy Chavez. I am the assistant executive director for Youth Development in Albuquerque. First, let me thank you for the opportunity to come before you and testify this morning.

I represent Youth Development, Inc., a nonprofit, community-based organization in Albuquerque, NM, that has been in existence since 1971. Twenty years ago, our agency came into existence for the purpose of delinquency prevention. Since that time, YDI has grown into the largest community-based comprehensive youth service system in the State of Mexico.

In our two decades of serving the youth of our community, it has become increasingly apparent that the youth of our Nation face far more obstacles than what we faced when we were growing up. Our attempts at preventing delinquency are rooted in the community and the family. Unless we attack these problems at their very root, our chances for success will be slim.

In New Mexico alone, the number of minority youth incarcerated is at a shocking 85 percent. While YDI has met with much success in helping to prevent juvenile delinquency, and thus incarceration of minority youth, our efforts and funding have not kept pace with the increase in population and problems.

Most of the JTPA funds that go to our State through formula grants primarily go to pay for jail removal. Few, if any, go into prevent activities or programs. Unless our society fully recognizes the need to provide more alternatives to our young people, our incarceration rate and the rates of incarcerating minority youth will continue to rise. I wish I could be more positive on this note, but all the facts point to the contrary.

The burden of providing community-based alternatives for delinquency prevention falls on nonprofit programs like YDI. We lead a hand-to-mouth existence, never knowing from one year to the next if we will survive. At the national, State and local levels, we are almost always at the bottom of the list when it comes to the allocation of scarce resources and funds.

While we have proven that we can be successful preventing juvenile delinquency, we have not been as successful in educating the public as to what our needs are. On a more positive note, we now know that it is vitally important to address the underlying causative factors of juvenile delinquency, and that is the only way we can prevent delinquency.

It is of little use to involve a youth in a counseling program if we do not address the economic, social and individual needs of the family. One cannot logically assume that a youth's life will be turned around in any short-term effort. The problem must be addressed on a holistic level that not only includes the immediate family, but also the community in which the family resides. It is

for these reasons that YDI lives, works and plays in our neighborhoods that we serve.

We have attempted to look beyond the status quo in designing programs to deter juvenile delinquency. YDI's 20 years of programmatic experience has taught us that it is critical that in order to effectively serve the needs of high-risk youth, programmatic models that are holistically designed must be priority if we are to be successful.

YDI is a program that continually attempts to meet the comprehensive needs of the youth in our community and is continually recognized as a model program. The following is but a synopsis of YDI's accomplishments.

YDI has been formally recognized by the past three Presidents as an exemplary youth service program. YDI is the recipient of the Job Training Partnership Act Presidential Award in 1989 and 1991 for exemplary youth employment and training programs.

YDI received the National Achievement Award by the National Association of Counties on three separate occasions, 1979, 1982, and 1986. We were recognized by the Coalition on Spanish-Speaking Mental Health and Human Service Organization twice, and received the National Exemplary Award in 1982 and 1986.

We have been formally recognized as an exemplary youth program by the International Association of City Managers in 1986, and since our inception in 1971 we have served well in excess of 40,000 youth in the city of Albuquerque, County of Bernalillo, State of New Mexico.

Presently, YDI has under its umbrella approximately 30 different programs wherein we serve youth who are referred to our agency. In addition to those programs, we have created two subsidiaries to our organization, one in the form of a community development corporation where we are now involved in a number of economic development types of projects to do a couple things—create jobs, and it also allows us the opportunity to develop additional resources to support our ongoing programs.

That is my testimony, Senator. Thank you.

Senator KOHL. Thank you, Mr. Chavez.

Chief Fulwood.

STATEMENT OF ISAAC FULWOOD, JR.

Mr. FULWOOD. Good morning, Senator Kohl. I am very pleased to have this special opportunity to participate in this important and timely hearing on minority youth overrepresentation in the juvenile justice system. I especially want to commend you and other members of the subcommittee for having the vision and concern to hold this public hearing on such an unresolved and complex issue. I am delighted to have been invited.

In the District of Columbia, 70 percent of our city's population is African American. Our arrest and incarceration levels reflect an even greater level of minority representation. I think it is critical that, as a government, we begin to focus on the cause of minority overrepresentation and the plight of minority youth in our inner cities.

Many of the experiences we have had as law enforcement officers clearly show that broken homes, high dropout rates, parental neglect and physical abuse are major contributing factors. The lack of economic opportunity also puts these youth at risk of being victims or perpetrators of crime.

During the past 2 years, the Metropolitan Police Department has developed, implemented and supported an unprecedented number of delinquency prevention and youth programming initiatives. These include a parent-to-parent hot line, late-night hoops basketball, an annual golf tournament to raise funds to support our youth programs, and a federally funded training program for youth to learn property management and self-sufficiency. These programs have not only been very beneficial to our city, but have afforded us the opportunity to learn a great deal from the young people with whom we have interaction.

Our late-night hoops basketball program, which operated from February 7 through May 18, each Thursday, Friday, and Saturday night between the hours of 9 p.m. and 2 a.m., was an extremely successful activity. Sixteen teams from public housing neighborhoods participated. The program provided a wholesome activity to 300 to 400 youth and young adults each weekend night.

Although the program featured basketball, the real purpose was to place young people in jobs, get them to return to school, or to enroll them in a GED preparation program. In this short time span, we were able to place 21 persons in jobs and encourage another 30 to pursue their GED. Clearly, this is the type of program that can make a difference in the lives of inner-city youth.

I am convinced that the Government must do a better job in creating systems to better support and serve families and children who are at risk in many of our most blighted neighborhoods. Major reform in government social service delivery systems is urgently needed, and we have to do a better job of followup and in diverting youth from the juvenile justice process.

Much of what we have been able to accomplish in the area of youth programming is linked to our philosophical change to community policing. Our department's new community policing concept is entitled Community Empowerment Policing, or CEP, the department's new philosophy and style of law enforcement practice in the District of Columbia. Its emphasis is on problem solving, which affords police and residents opportunities to work together to address the underlying causes of crime and delinquency. I believe CEP will assist us in solving many of the criminal justice and juvenile justice problems we currently face.

Senator Kohl, the problem facing urban America involving crime, violence, and drugs must be solved. We must go beyond the research and rhetoric. Last year, our police department arrested 69 juveniles for the crime of murder. Throughout the country, we are seeing more juveniles engaged in criminal acts of violence. This is a tragic commentary on our cities as well as our nation.

It is my opinion that many of the seemingly intractable problems originating in our depressed communities are economically based. That is why I think it is essential that we develop effective programs in education, employment and entrepreneurship that reach those young people of greatest need, and those programs which are

a success must be expanded and replicated in order to touch a wider base of our cities' youth.

America's youth are our greatest resource, and consequently we must make the growth and development of young people the Nation's highest priority. Too many minority youth in the inner-city communities of the District are in jeopardy. They don't have a sense of optimism for the future. Many are not able to see the world in a larger scope. We have to change this perspective.

It is incumbent upon each of us to intervene in the lives of at-risk children. Our young people must be provided with expanded life choices and options. It is very clear to me that the Federal Government must be an integral part of this process. I believe that with your assistance and commitment to this task, we will be able to solve many of the minority youth and juvenile justice system problems facing our nation. In the words of one of our great anthropologists, when we save our children, we save ourselves.

We must improve our ability to divert young people from the system. When they initially come into the system, oftentimes they are immediately sent to court, as you indicated. Sometimes they are not given adequate representation, so they don't know what their choices are. Diversion is the route to go. It is not good enough to talk tough about putting people in jail. Putting people in jail is very costly and counterproductive. It is important for us to take our young people, divert them from the system, divert them into programs, and divert them by supporting families.

Thank you.

Senator KOHL. Thank you very much, Chief Fulwood.

I see we have Cantrell Hunter here this morning. Did you just get in?

Mr. BEDFORD. Yes, we did; we made it.

Senator KOHL. Glad to have you with us.

Mr. BEDFORD. Thank you.

Senator KOHL. Would you like to make your statement, Cantrell? Cantrell is from Kenosha, WI. We are happy to have you here, Cantrell, and you are accompanied by Dennis Bedford, who is a probation officer with Kenosha County. We are also happy to have you here.

Go ahead, Cantrell.

STATEMENT OF CANTRELL HUNTER

Mr. HUNTER. What I was going to make my statement about is that when I first got out on probation, I was doing good to get on probation, but you have Dennis Bedford and other probation officers who are helping you as your mother helps you. It wasn't good getting on there, but I had gotten into a little something where I had no business getting there. I was at the wrong place at the wrong time and I was just there.

Senator KOHL. All right.

Tomas, I would like to ask you a couple questions. How would you describe the difference between yourself and your brothers? Tell us a little bit about that, those differences.

Mr. CAVALIER. Yes. Well, my brothers got involved in drugs at a young age and they started out hanging out; they went to prison.

You know, they always gave me their war names and I didn't want to take them. We moved away from that neighborhood and I was doing good boxing, and I started hanging out with that crowd, the older crowd.

They didn't have, you know, YDI. At that time, they didn't, you know, have that help. I had the opportunity and YDI was there to help me, and my brothers, you know, they didn't have that same help that I had.

Senator KOHL. How many brothers do you have?

Mr. CAVALIER. There are four of us.

Senator KOHL. And you are——

Mr. CAVALIER. I am the baby.

Senator KOHL. You are the youngest?

Mr. CAVALIER. Yes, sir.

Senator KOHL. Where are your three other brothers right now, Tomas?

Mr. CAVALIER. Well, one is in a rehabilitation center and one is currently serving 18 months in prison.

Senator KOHL. Do you think the difference is YDI in your case?

Mr. CAVALIER. Yes, sir, definitely. I think YDI was—like I said, if it wasn't for YDI, I know I would be in prison at this time because I was starting to get into, you know, little things, little things. You know, I would have been in something real heavy. The crowd I was hanging out with, a lot of older guys, you know, ex-cons—they didn't have anything to lose.

Senator KOHL. All right. So you think it is pretty important to have activities like YDI available for all the other kids who need them in your home State?

Mr. CAVALIER. Yes, sir. YDI—they go into the community, they go into your home. They have group homes for kids. They have a lot of different programs to help out the youth, and they go, you know, 100 percent. They go at nights, weekends; they are always there to help out.

Senator KOHL. If there were the existence of YDI services for your brothers, do you think they would not be where they are today?

Mr. CAVALIER. I think so because like YDI, they helped me and I was headed—started getting into following their footsteps, and YDI was there to help me. I think if they would have been there, you know, to help them, they wouldn't be where they are at now.

Senator KOHL. All right. Mr. Chavez, what else would you like to see happen in New Mexico to reduce the number of minorities in the juvenile justice system and the disproportionate sentences that they receive?

Mr. CHAVEZ. Senator Kohl, I think it is critical that programs such as ours which have a proven track record be replicated in communities outside the Albuquerque area. New Mexico is a large area. There are many rural communities that don't get the kind of services that maybe Albuquerque does.

We become frustrated many times with the lack or the minimal amount of funding that we get to fund some of our projects. It is a continual task for us. Year to year, we submit on the average of probably 30 proposals for different sources of funds.

When we first began our program 20 years ago, we were a small project that was funded by the county of Bernalillo and our task was to provide outreach counseling and to identify youth and tie them into existing services. Early on, we became extremely frustrated with the waiting list situation. Everywhere we went with our kids, they were on a waiting list.

We found early on that the type of youth we were serving could not afford to wait 2 weeks to get into a group home or a month to get into a training program. So we very consciously decided that we would build an organization where these young people that came to us could be served all within one umbrella.

Right now, we have three group homes. We have a number of job training programs funded through JTPA. We have a number of education programs, which includes a State-licensed GED project. We issue about 50 GED's a year. We have a gang intervention program. We are working approximately 33 housing projects in the Albuquerque area. We have AIDS education, substance abuse. We are doing it through some very unique ways.

We use puppetry in the small schools. With our gang efforts, we are targeting the young kids, the sisters and the brothers of the gang members. We are really working the elementary schools to deal with the issue of gangs, and we are using every resource we can.

We think it is important that our project be replicated. We have the opportunity now to visit many programs not only in New Mexico, but throughout the country, and we again become very frustrated because we see efforts that are single-focused. And we have talked to many of these individuals from different programs, including large programs in California in areas that deal with gangs, and they have told us they missed the boat. They offer counseling, but counseling itself does not work. Unless you have a job component, an education component, a family counseling component, you are going to miss the boat. We would love to see our efforts replicated in different areas throughout the country.

Senator KOHL. Is New Mexico the only place with YDI right now?

Mr. CHAVEZ. Yes. We are in New Mexico only.

Senator KOHL. What is your budget?

Mr. CHAVEZ. We have a budget of a little less than $4 million a year, and we have a staff of about 150 people that work for us and we have got about 2,000 youth employees that work for us throughout the course of the year. And these are through the summer JTPA programs, our stay-in-school programs. We have got stay-in-school dropout prevention programs, GED programs.

Senator KOHL. So your budget is about $4 million a year?

Mr. CHAVEZ. Yes.

Senator KOHL. And where do you get that money, Mr. Chavez?

Mr. CHAVEZ. Those moneys come to us through approximately, the last time we counted, about 40 different sources per year, and these sources are year-to-year grants. We, again, have become experts in the proposal writing area. We get moneys from United Way, we get a number of State grants, a number of Federal grants, foundation, city, county.

We feel it is important to continue to seek funds. Our newest effort has been in the area of housing and economic development. What we have done recently is we have developed and implemented a community development corporation, which is a 501(c)(3) nonprofit subsidiary to YDI.

A year ago, we opened up our painting company. This next year, we are projecting to generate about $250,000 from the painting company. These are all young individuals such as Tomas who came to us through our gang program that are apprentices; they are apprentice painters. Tomas is working toward his journeyman's license. His salary is not minimum wage.

One of our endeavors was to pay our young people and train them in areas where they can make more than minimum wage. Tomas' base salary is $7.19 an hour, and on many of the jobs that we have bid on and were able to get, his salary is Davis-Bacon wages. He is getting close to $12 an hour fairly continuously in all the jobs we are getting.

We will generate, like I said, about $250,000 from our painting company. We are opening up a restaurant next month in the downtown part of Albuquerque. Again, it is for the purpose of creating jobs and generating resources. All the moneys that we make above our costs for those particular projects go back into YDI to support our group homes, to support any other of our endeavors that we are involved in.

Senator KOHL. How many of the kids you are serving are male and how many are female? Do you have any idea?

Mr. CHAVEZ. Female, we are at 52 percent; male, we are at 48 percent.

Senator KOHL. The kids you are serving?

Mr. CHAVEZ. Yes.

Senator KOHL. There are more——

Mr. CHAVEZ. There are more females than males.

Senator KOHL. In your program?

Mr. CHAVEZ. Yes.

Senator KOHL. Any other statement you would like to make on YDI, yourself, what you are doing, how important it is?

Mr. CHAVEZ. We feel, again, it is extremely important for individuals that are involved in serving high-risk youth to really develop their funding base, to leverage those funds that they get. When we began, it was a funding commitment from the county of Bernalillo, and the county commissioners realized very early on that they could not foot the bill for everything that we wanted to do.

So their mandate to us was, take these funds and leverage them, go out and see if you can attract additional funds. We feel that we have a very good success record in doing that. It is a continual struggle. There are projects that we implement one year and the next year, due to lack of funds that really had nothing to do with the quality of services—it either resulted in a political decision or an economic situation where the dollars weren't there—we have had to drop certain programs. It is extremely hard to produce long-term results when you have short-term funds.

Senator KOHL. Thank you.

Cantrell, how important is it to have programs like Kenosha to help other kids in Wisconsin in trouble?

Mr. HUNTER. It is important to have programs like adults and mothers come together, and also probation officers come together, just to help that one child to better himself or herself.

Senator KOHL. I understand that Dennis Bedford, who is with you, was your basketball coach. How did basketball help you, Cantrell?

Mr. HUNTER. It was basketball, the Spanish center, and plus I was working. So I was occupied and I didn't have a chance to do anything.

Senator KOHL. Do you play a lot of basketball?

Mr. HUNTER. Yes.

Senator KOHL. Yes. Are you a Bulls fan?

Mr. HUNTER. Yes.

Mr. BEDFORD. He is from Chicago, Senator, his background.

Senator KOHL. You are from Chicago?

Mr. HUNTER. Yes, sir.

Senator KOHL. OK. Mr. Bedford, any comments you would like to make to us today?

Mr. BEDFORD. Only just to reemphasize what the gentleman said there. It is real crucial, I think, in Kenosha County that we not only maintain our level of funding now for preventive programs, but we need to also increase, Senator. People like myself who are in the trenches are in a real battle to keep the kids out of trouble.

I know we just got out of a war over in the Persian Gulf, but we are in the middle of a war, also. Last week, I lost a 14-year-old who was selling drugs, and we have good reason to believe that we have a lot of young kids, as young as 8, 9 years old, out on the street making money, $100, watching out.

I have been working with the gang diversion program in Kenosha County for about 7 years since the inception when we received a State grant for that program, and I have seen the gang problem go up and down. I need not tell you at this particular time it is at a scary moment because the gangs are starting to really get into controlling the drugs in Kenosha. We have had a lot of movement from Illinois, and I think our legal people know that, but they are in a battle to try to put a stop to this.

The programs that we have that Cantrell and his friends have taken advantage of—back to school, trying to get these kids to receive GED or whatever, to try to find work, employment, to keep them busy in constructive, positive alternatives as opposed to the negative things like the gangs. It is amazing when we see a young man like Cantrell come through our system and then still live among a lot of those negative factors. There are gangs, drugs all in his neighborhood, and he is surviving and he is starting to turn his life around, starting to really get it together.

He can probably tell you more stories about his relatives and his friends who are still out there getting in trouble, still out there dealing in gang activity. But it is a battle.

Senator KOHL. You are a probation officer in Kenosha County and have been one for 14 years.

Mr. BEDFORD. Yes, a little over 14 years now.

Senator KOHL. How do you describe the situation on the street today from it was 5 years ago?

Mr. BEDFORD. It is a little worse. In early 1983, 1984, we had a lot of influx of people coming from different areas for a better life—Gary, Indiana, Chicago, et cetera. We were really in a battle then trying to get a handle on that, and we had to implement a lot of programs. With the State's help and a few federally funded grants, we were able to implement some new programs to start to attack that. We saw results.

I think over the course of the last 18 months, we are facing a different problem and an increase in those gang activities and the drug activities. So we are up against some sophisticated adults who are really trying to use our young kids for the worse. So it is a battle.

Right now, it is really kind of scary, and I try to emphasize that to my superiors from time to time, and I am sure other people that are working the streets, like the police officers, are doing the same thing. At this point, we haven't implemented any new programs because, you know, times are tight and the funding sources are kind of drying up, but we need to, we really do.

Senator KOHL. Thank you, Mr. Bedford.

Chief Fulwood, some experts suggest that police are more likely to arrest minority youth than divert them into community programs because the money from community programs has dried up. For example, police foundations used to fund programs for kids at risk, but now for the most part they lack the funds.

Do you think that that is the case, and if so what should we do about it, Chief Fulwood?

Mr. FULWOOD. I certainly think that the likelihood of a minority youth being arrested and put immediately into the criminal justice process is probably greater than if you arrest a white youth. The level of crime and violence that police officers see every day is enormous, and it changes from year to year and it gets worse rather than getting better.

What needs to occur is a greater level of funding for two different groups of people, and for the sake of discussion those persons who are at risk early on that have not entered the process that a police officer comes in contact with need to be able to be diverted into other programs, such as, in the District of Columbia, the Metropolitan Police Boys and Girls Club, which we use as a part of our early-warning system, putting young people in there prior to putting them into the system if they are charged with minor offenses. Therefore, they don't formally enter the process.

Then those young people that actually enter the juvenile justice system itself who may be incarcerated on the first serious offense or may not be incarcerated, put back into the street and not have family support systems, social services programs that are readily available—if you will, SOS systems—all too often, if you could turn this kid back into his home and you had the social worker that was readily available to go by to talk with the family, find out how that family is functioning, whether it is dysfunctioning, it would make a critical difference. These programs need to be funded.

The one thing that I have learned over time—I am a member of the IACP, International Association of Chiefs of Police, Major City Chiefs. We all know that you need to fund these social services front-side programs. If you don't do that, then we are not going to

win this ball game. We have got to have a place to divert young people to. That is where the problem lies.

I guarantee you that the probationary officer there probably is carrying a caseload that is astronomical; no way he can get to all the people, no way. He needs to have a smaller caseload so that he can devote that time to individual persons, where he can get around and visit families and really do the kind of analysis so that he can get the proper support.

Senator KOHL. In that connection, Chief Fulwood, back in the 1950's and 1960's we used to have the concept of a kiddie cop, an officer who was specialized and devoted his time to working with young people. Do we have that sort of an organization functioning today?

Mr. FULWOOD. Well, we have some of them in some police departments. In the District of Columbia, we have officer-friendly and we have youth awareness programs where these officers specifically specialize in dealing with young people. Those programs are successful programs.

What you end up with, if you are a major-city chief—as the homicide rate increases, as the shootings increase on the street and drug trafficking increases, you tend to divert those resources to other things, the more critical things, I guess, if you will, whereas you need to keep the officer involved in working with young people because it can make a difference.

Senator KOHL. How does the dropout rate affect juvenile delinquency here in the District? What is the correlation between the dropout rate——

Mr. FULWOOD. Right now, the dropout rate in the District of Columbia is about 55 percent. Most of the young people that we end up arresting are dropouts. The thing that is so disturbing about this, Senator, is that we know what the risk factors are.

We know that if you are in a dysfunctioning family with one parent that the likelihood that you are going to drop out of school increases. You are not going to be able to be gainfully employed, and training programs have dried up over the last 10 years. We know what the risk factors are. My frustration is I just don't think that we have the political will to make a decision that we are going to save young people, especially minority young people—Asians, Hispanics and blacks. I think we have got to make a serious commitment to it. If we don't, unfortunately, we will have this hearing next year.

Senator KOHL. You said that where you have a one-parent family, right off the bat you start in big, big trouble.

Mr. FULWOOD. Absolutely. You are at serious risk.

Senator KOHL. Well, I want to ask you a question. How does society make a decision to reduce the number of one-parent families?

Mr. FULWOOD. By building better social service support where if the male is in the home initially and he ends up leaving—if you have social workers to work with that family so they can work through a process to keep the male in the house—if the male is unemployed, 9 times out of 10 he is not going to be there. He is going to go off and he is going to be out in the community getting into a lot of different things.

If we had social service support systems that will work with that family to somehow or another keep that male in the house, provide training for the male so he can become gainfully employed, he will be there to serve as a role model.

If you look at the public housing in the District of Columbia, I believe that 85 percent of the people that live there, the family is headed by a female who is struggling to try to raise a male kid who is 16, 17 years old, who may be involved in all kinds of activities. His mother can't control him. He needs a male there to assist with clarifying what the roles are. I mean, that is where we are falling through the crack, and we haven't done a good job in even trying to address it.

I mean, some of the rules, as you well know, social services rules—you are better off not having a male in the house because you get help quicker. We ought to change all those rules to encourage the male to stay in the house.

Senator KOHL. All right. Well, I would like to thank this panel very much. You have been dramatic and very useful to us, and we appreciate your taking the time and making the effort to come here today and help us understand the problem. Thank you very much.

Mr. FULWOOD. We thank you for having us.

Mr. CHAVEZ. Thank you, Senator.

Senator KOHL. Our second panel of witnesses includes juvenile justice experts from Hawaii to the District of Columbia, and I would like to ask them to come to the table at this time.

Judge David Ramirez is from the Denver Juvenile Court where he has presided for 3 years. He has thought a great deal about the problems of minority youth in the juvenile justice system and we look forward to hearing his testimony.

Dr. Larry LeFlore is from the Institute of Juvenile Justice and Delinquency Prevention at the University of Southern Mississippi. He conducted the research and wrote last year's report on minority youth for the National Council of Juvenile and Family Court Judges, and we are glad to have you with us, Mr. LeFlore, to discuss that report.

Dr. Carol Williams is a senior research analyst at the Center for Social Policy here in Washington, DC. Although her academic and police background is in child welfare services, Dr. Williams started her career as a probation officer, so she is in a unique position to tell us about the parallels between minority kids in juvenile justice and child welfare systems.

Finally, Dr. Cliff O'Donnell is director of the Center for Youth Research at the University of Hawaii. He is also associated with the Consortium on Children and the Law in charge of briefing Congress. We look forward to hearing about Hawaii's efforts to set up community-based alternatives to juvenile detention and correctional facilities.

Mr. Ramirez.

PANEL CONSISTING OF DAVID RAMIREZ, JUDGE, DENVER JUVENILE COURT, DENVER, CO; LARRY LeFLORE, INSTITUTE OF JUVENILE JUSTICE ADMINISTRATION AND DELINQUENCY PREVENTION, UNIVERSITY OF SOUTHERN MISSISSIPPI, HATTIESBURG, MS; DR. CAROL WILLIAMS, CENTER FOR THE STUDY OF SOCIAL POLICY, WASHINGTON, DC; AND DR. CLIFFORD O'DONNELL, DIRECTOR, CENTER FOR YOUTH RESEARCH, UNIVERSITY OF HAWAII, HONOLULU, HI

STATEMENT OF JUDGE DAVID RAMIREZ

Judge RAMIREZ. Good morning, Senator. As you stated, I am a juvenile court judge in Denver, CO. I have been a judge for 6 years, and my experience in juvenile justice started with my graduation in 1978 from the University of Iowa. As a legal aid attorney, I represented hundreds of minority indigent families, especially children. Many were unable to receive the necessary life-sustaining services most of us receive without asking, services like basic habitable housing, medical care, and education.

I also worked as a prosecutor for the city of Denver and prosecuted thousands of cases in 4 years. As a city attorney, I supervised a staff of 13 attorneys and coordinated the office policy. In this position, I again witnessed the consequences of people being deprived of basic human services. It was apparent that we were unable to reduce the growth of criminal activity or compensate victims of crime.

The makeup of the defendants that I saw as a prosecutor was the same as my clients at legal aid—poor, uneducated minority families. From these experiences, I realized that we were not responding to the demands of minority youth. Prior to my appointment to the bench in 1985, I developed the first proposal for a municipal juvenile court in Denver. Historically, municipal juvenile courts are few in number, and I believe Denver is one of a few cities nationwide that has a municipal juvenile court.

After 2 years of working on this project, I was able to implement Denver's first municipal juvenile court and sat as its judge for over 2 years. Subsequently, in 1989, I was appointed to the State juvenile court bench. During the years that I was on the municipal court bench, I heard over 15,000 cases. From my other experiences, I tried to implement programs that would rehabilitate the juveniles, compensate victims, and educate parents. Our recidivism rate was less than 10 percent for the 2 years I presided over that court.

From my 13 years of experience as an attorney and a judge, I can advise you that minority youth are overrepresented in the juvenile justice system. I believe that we have developed a system of benign institutional racism. From the time of arrest to prosecution to eventual out-of-home placement, minority youth are represented at rates far in excess of their numbers in the general population.

Nationally, a study done in 1987 showed that over 50 percent of all youth held in public detention facilities were minority youth. In Colorado, studies in 1987 through 1989 suggest similar numbers. While Anglos represent in excess of 76 percent of the general youth population, they represent only 47 percent of all committed youth in public institutions. For Hispanics, they are 17 percent of the population, but are over 27 percent of the committed youth. For

blacks, they are 4 percent of our population, but in excess of 15 percent of the committed youth.

In the fall of 1990, the National Council for Juvenile and Family Court Judges issued a study entitled Minority Youth in the Juvenile Justice System. Their study concluded, "There is factual data to support the premise that minority youth are overly-represented in the juvenile justice system." The data further suggests a trend that minority youth face a greater chance of becoming more involved in the system as they progress through the juvenile justice system.

This study and my experience suggest we do the following to reduce the overrepresentation of minority youth. Chief Fulwood suggested that this year 69 juveniles were arrested for murder in Washington, DC. This year, I have tried 12 murder cases myself as a juvenile judge.

Judges cannot be reactive; we must be proactive. Far too often, a judge sits back and lets the cases come to them. It cannot happen; it can't go on that way. No. 1, we need to educate juvenile justice professionals on the problem of overincarceration rate of minority youth. This is not an adult court for kids, but a juvenile court exists, and we cannot arrest and remove our future without trying to help our future. We must educate and sensitize these same professionals on the cultural and ethnic differences of minority youth.

No. 3, we need to involve the parents of minority youth in the disposition and rehabilitation of minority youth. No. 4, we need to force parental involvement when a child is in the juvenile justice system. No. 5, juvenile justice professionals must recognize that specific programs must be developed and directed at parents.

No. 6, programs must be developed that include every aspect of the juvenile's life. His or her delinquency does not exist in a vacuum. As Chief Fulwood suggested, there are risk factors that we all know about. The community, the school, businesses and courts must collaborate on programs that are not independent but collective in working with minority youth.

We must decentralize and localize detention and commitment facilities. We must reduce their size and increase their expertise. Home detention, electronic monitoring, intensive supervision, and providing extensive support services are part of the answer.

Overlap programs that recognize and treat the environmental factors that affect minority youth—we must reemphasize the importance of the juvenile court and its mission, and must reduce the growing trend to transfer juvenile court cases to the adult court simply because the juveniles may commit very serious offenses.

No. 10, we must appropriate program-specific funding for local juvenile courts to treat juveniles who are drug and alcohol abusers, sexual abusers and gang members, but we should be cautious. We cannot throw money away at every pie-in-the-sky idea that sounds good or has a charismatic leader. We must be cautious in where we put our money and monitor the spending of that money. We must develop specific programs that will capture the needed statistics so we can track the number of overrepresented youth and see whether or not programs are successful.

Thank you.

Senator KOHL. Thank you, Judge.

Mr. LeFlore.

STATEMENT OF LARRY LeFLORE

Mr. LEFLORE. Senator Kohl, thank you, and thank your staff and this committee for having me to appear at this particular hearing. Please be aware that I and others with whom I work and organizations that I represent are most appreciative of the high visibility that this subcommittee is giving to juvenile justice, and specifically minority overrepresentation in the juvenile justice system.

Senator Kohl, we have a crisis. We have a crisis with the overrepresentation of minorities in the juvenile justice system, and that crisis will affect not only the minorities involved, but this society, if we do not begin to do something to develop strategies to ameliorate the conditions that lead to the overrepresentation of minorities.

Overrepresentation of minorities exists at every stage of the juvenile justice system. Looking at arrests, in 1989 whites accounted for 69.5 percent of arrests in this country; blacks, 28.1 percent; Native Americans, 1.0 percent; Asian-Pacific Americans, 1.4 percent.

With respect to detention, there was a total increase of 15 percent in the detention rate between 1985 and 1989. While the number of nonHispanic white youth held in short-term public detention facilities increased by only 1 percent, the number of black and Hispanic youth in these facilities increased by more than 30 percent, and that was 30 percent for black, specifically, 31 percent for Hispanics, and 33 percent for other minorities.

In addition to that, if you look at the detention process, the detention process impacts negatively upon those children who are detained as opposed to those who are not detained. For example, studies from Howard Snyder and others out of the National Center for Juvenile Justice in Pittsburgh, PA, using juvenile court data suggests that detained children have a greater chance of more formal processing, meaning that their cases most likely will be petitioned, compared to those who are not detained.

Specifically, children who are detained—79 percent of them will have formal processing, compared to 42 percent of those who are not detained. And if minority children are overrepresented in the detention process, then they therefore will have more formal processing through the courts.

Detained delinquents were five times more likely to be transferred to adult courts than those children who are not detained, and this, I think, is a major concern. I think it is a crisis. I haven't researched it at this point, but I am told that one of our 50 States has more children, more persons under 18, in its adult facilities than its juvenile facilities, and I think this is as a result of transfer processes. In that State, if it is true, that particular State has an upper age limit of 18, at which time children come within the jurisdiction of the adult court. So, again, I think we have a crisis. We need to monitor these situations more closely. We need definitely to look at the transferring process.

Children who are detained also are six times more likely to be placed out of home than children who are not detained, and 50 percent more likely to be placed on formal probation. With respect to public juvenile facilities, the Study for Children in Custody, a 1989

report, indicates that 14 percent more children were in closed public facilities in 1989 when compared to 1985.

Minority youth—blacks, Hispanics and other races—constituted 60 percent of those children in public custody facilities. From 1987 to 1989, nonminority populations showed a 5-percent decrease, while the minority population showed an increase of 13 percent. Again, I think we have a crisis.

One of the major concerns and factors that impact upon the detention and the incarceration of minority children is the use of drugs. One particular study indicated that, for instance, between 1985 and 1987 there was a 1-percent increase in drug arrests among juveniles, when at the same time juveniles detained for drug offenses increased by 21 percent. There are other studies which indicate that when looking at the impact of drugs, minority children will be more likely detained than will the majority membership child.

Let me just point out some things. In contrast, the number of drug cases handled by the courts increased by only 1 percent between 1985 and 1987, while the number of detained drug cases increased by 21 percent. This increase in admissions for detention facilities therefore reflects a substantial change in how juvenile courts respond to drug offense cases. As a result, the characteristics of detained youth also change.

Although the number of white youth detained annually remained constant between 1985 and 1986, the number of nonwhite youth admitted to detention centers rose by 13 percent, primarily the result of the large increase in the number of nonwhite youth detained for drug offenses.

Between 1985 and 1986, the number of white youth referred to court for a drug law violation declined by 6 percent, while the number of nonwhite youth referred for a drug offense rose by 42 percent. This increase in referrals, coupled with the courts' greater likelihood of detaining drug cases, resulted in a 71-percent rise in the number of nonwhite youth detained for drug offenses.

The growing drug problem and the resulting change in the courts' response to drug offense cases are major factors in the substantial increase in the number of nonwhite youth detained by juvenile courts. Again, my concern is that with detention comes a more punitive processing by the courts, and if minority children have a greater likelihood for detention, you can expect there will be more of them incarcerated at the back end of the system.

The National Council of Juvenile and Family Court Judges has a very strong commitment to the fair treatment of juveniles and families in juvenile courts across this country. Their particular concern was formally expressed when the Council, during the presidency of the honorable Romaine Turner Powell, initiated a systematic and scholarly effort to collect data that would culminate in the Council's judicial response to minority youth in the juvenile justice system. This process was nurtured by Judge Reader out of Ohio.

The data collected indicates that there is a need for a systematic effort in addressing this particular problem. The problem is not with the judiciary; the problem is in our society. The problem is visibly noticed at the arrest stage, the transfer stage, the adjudicatory stage, the dispositional stage and the institutional stage.

The problem does not just exist with our criminal justice system or our juvenile justice system, but exists within our society as our society relates to economic factors, economic conditions, cultural differences or the lack of sensitivity to cultural diversity. The problem exists within our society as it relates to the lack of funds to deal with problem children and children who are in trouble.

If there is a desire to really address the problem at this particular level, I think we must commit ourselves to that particular effort. We must commit ourselves to saving children. Several persons that I have read and studied have indicated in the recent past that children are the new bastards of our society, and I wonder if that is true. I hope not, but the way things are going, it seems very true that we are giving very little time, very little resources to the problems of children.

Thank you.

Senator KOHL. Thank you, Dr. LeFlore.

Dr. Williams.

STATEMENT OF DR. CAROL WILLIAMS

Ms. WILLIAMS. Thank you, Senator Kohl. It is my pleasure to be here today, and I want to commend the committee for examining this issue. I come from a community where youngsters are incarcerated at very high rates. I am a parent of two young men, and for both personal and professional reasons this phenomenon is of concern to me.

I am not a juvenile justice specialist. I come with a good deal of experience in the child welfare system and a good deal of attention to differential patterns in the delivery of service to families and children of color.

I would basically like to share with you some of my perspectives about the dynamics of overrepresentation in the child welfare system because I think there are parallel issues in terms of the operation of the juvenile justice system.

Overrepresentation of minority families and children is not unique to the juvenile justice system, but we see it in the child welfare system; we also see it in the special education system and to some extent in the mental health system.

Overrepresentation, I think, is a complicated issue and there has been some attention to it within the public child welfare system. When we look at the outcomes for children of color—black children, Hispanic children, Native American children and Asian children—what we find is they are much more likely to be placed. They are in-placed, obviously, at disproportional rates. The duration of time in placement is significantly longer than that for children of European descent. Minority youngsters in the system are more likely to experience multiple placements, which has consequences for their psychosocial development which begin to damage their personalities.

I think the dynamics of overrepresentation are very complex. I think they are complex because many of these children, as other panelists have indicated, come to the systems out of very difficult life situations. Kind of the convergence of unsafe environments and

social and economic stressors makes life a real challenge for their families.

At the same time, our service delivery systems are mandated to help these youngsters and their families and to provide protection and remedy for their situations. What we find when we examine the internal operation is that often systems designed to help children and their families disserve them, and particularly when they are children of minority status.

Looking at the child welfare system, there are six or seven dynamics that speak to the disservice and speak to what the judge described as benign racism. First of all, decisionmaking clearly within child welfare systems, and I think in other service delivery systems, is inconsistent. It is more influenced by the worker's background than the facts of the situation, so that there is a real opportunity for a range of biases in values to influence decisions about the level of danger that the child is either subject to or provokes in a community, the level of intervention that is required, and the assessment of the actual functioning of the child and his family.

The second major dynamic we see is that once children are in a service delivery system, the access to services is unequal. It has been clearly documented in some mid-1980's studies of the child welfare system that black and Hispanic children see their workers less often than children of European descent. Parents see the workers less often, and when you examine the actual linkage of children to specific services, black and Hispanic children are less likely to receive specific services within a community than are children of European descent.

The issue of services also raises the issue of cultural and linguistic appropriateness of services. Often, children and their families are linked to services that are not knowledgeable about, respectful of, or responsive to the cultural and linguistic backgrounds of children.

Another pattern that we see in the child welfare system, and I would speculate transfers to other service delivery systems, is that we give children and families what we have as opposed to what they need. A recent study of black children in foster care conducted by the National Black Child Development Institute indicated that a major proportion of the children in foster care and their families needed housing and drug treatment, but what we gave them was the counseling that we had. There was not a fit between what families needed and the service response.

Perhaps even more distressing to me as a professional is some data that came out of a small study we did of children in foster care in North Carolina. One of the findings that we had not anticipated was that when you asked the people who were the major decisionmakers in the lives of children what their expectations were for change in a family, 75 percent of the decisionmakers—that is, social workers, supervisors and judges—indicated that they did not expect change. When you do not believe in your client's capacity to change, you will invest very little in terms of resources, time and commitment.

Let me just say in conclusion that as you think about the implications of this, which is mostly child welfare data for the juvenile justice system, there are several suggestions that I would make.

First, we need to monitor the experience—when I say experience, I mean the process and the outcomes of service delivery—by groups so that we can keep tracking the patterns within the system and begin to combat the biases that exist.

Second, I think we need to create incentives to avoid placement system-wide and to develop more community-based interventions. One of the things that we know clearly, as indicated by previous testimony, is that comprehensive, intensive community-based services work for families under stress, and more of those are required.

I think we need to consider funding model initiatives to reduce the overrepresentation of children. I think consideration ought to be given to the training of juvenile justice staff around cultural and linguistic issues in service delivery.

There is tremendous work to be done, but in my own community vast numbers of children are being lost to a system that is designed to help them.

Senator KOHL. Thank you, Dr. Williams.

Dr. O'Donnell.

STATEMENT OF DR. CLIFFORD O'DONNELL

Mr. O'DONNELL. Good morning, Senator Kohl, and thank you very much for inviting me here to testify at this important hearing. As others have noted, I also wish to offer my appreciation very much for your interest in these issues of juvenile justice.

I have really two points I want to make this morning. First, I would like to offer my support for what I hope is a growing trend toward community-based programs as opposed to institution programs. That support is based largely on two factors. The first is that our experience and our research data have clearly shown that institutional programs in juvenile justice have failed; they have not reduced recidivism.

Second, there is a major cost factor. Community-based programs are much cheaper to operate than institutional programs are. On one State on which we have some figures, secure facilities cost $164 per day, while outreach and tracking programs are running about $24 per day. So it is much cheaper, and I think they have a much greater potential for effectiveness.

In fact, I think what I would like to say is that institution programs are inherently unable to be effective. So I think the community-based programs have much greater potential. Our first rule should be, do no harm. In effect, what we are doing now is we are paying a great deal of money to do harm. Our institutional programs are, in fact, I believe, doing harm to our youth that are placed there.

The second point I would like to make is that while community-based programs are necessary, they are not sufficient. We must look beyond just not doing harm, but also how we can increase the effectiveness of these programs, and I think there are two factors that might be able to do that.

One is we can examine our programs to see how we can reduce the social contact among youth that are placed in these programs. One of the things that we are doing now in many of our programs is bringing youth who are at higher risk for delinquency together

and often placing them in programs with youth who are involved in delinquency.

Clearly, we do not prevent delinquency by introducing and allowing youth to form friendships with other youth who are involved in delinquency. But, in effect, that is what some of our programs are doing now. So I think we could increase the effectiveness of our programs by trying to redesign them so as to reduce unnecessary social contact among youth that are involved in these activities, and I think our research data clearly shows that.

The second thing—and this particularly addresses the issue of overrepresentation of minorities in the juvenile justice system—is I think we could take a look at what I would call culturally designed programs. We have a number of examples of those in the education field. In Hawaii, for example, there have been programs that have increased the achievement scores of native Hawaiians to national norms by using culturally designed programs. And by that, I don't mean just being culturally sensitive, but using the linguistic modes of the culture in the program and the ways in which people operate, the way they carry out their activities of everyday life, the way they are socially organized, and incorporate those features into the programs to increase their effectiveness.

We have also been involved in programs, some of my colleagues, in designing similar programs with Navajos in Arizona. Many of us at the Center for Youth Research at the University of Hawaii have been involved in training Peace Corps volunteers in Micronesia to develop culturally designed programs for youth in Micronesia. I think the same thing could be done with our juvenile justice programs.

So I would encourage, then, in terms of where we look to the future—one is to encourage community-based programs; and, two, then to start taking a look at the effectiveness of those programs, and particularly take a look at the social network effects, monitor them, see what is happening with them, try to then redesign the programs so that they are reducing contacts of youth with other youth involved in delinquency; and, second, take a look at the cultural factors of that program and see if we can't culturally design those programs so that they are more in tune with the cultural ways of the people whom they are designed to serve.

Thank you.

Senator KOHL. Thank you very much, Dr. O'Donnell.

I would like to direct this discussion to the panel. Two things seem to come out here—at least two things. One is the importance of community-based programs, and in connection with the overrepresentation of minorities in the system, one of the things that comes out is the fact that they are not adequately represented to begin with.

Do you agree, disagree? What do we do about that? Judge Ramirez, is it a fact that the minority population to begin with is not adequately represented in court, and that starts out their overrepresentation in the system?

Judge RAMIREZ. I would say that that is probably a correct statement.

Senator KOHL. Well, let me just pause so I understand. If it isn't that, then why are they more involved in the whole system than

whites? If, in fact, they are adequately represented, or if they would be adequately represented at the outset, then wouldn't they have the same representation in the system as whites?

Judge RAMIREZ. Part of the problem is they do not receive quality, competent representation. I would say over 80 percent of the juveniles I see in court are represented by public defenders. Far too often, they are newly licensed attorneys, as are the district attorneys. They have no knowledge or experience working with the juvenile court or juveniles. It is more or less a training ground for them to move on to the adult court system.

So I think part of the problem is once they get into the system, they are less likely to get out because they don't receive the necessary competent counsel that other people would have. The attorneys don't have the time, the resources, the energy or the knowledge to do anything with those juveniles. So that is part of the problem, and I do think we need to do something about that.

Senator KOHL. Any further comment on that, because that is right at the beginning of the whole process right there?

Judge RAMIREZ. Right.

Senator KOHL. They are not adequately represented initially when they come to court.

Judge RAMIREZ. Yes.

Senator KOHL. Does everybody agree with that? Any comment you want to make on that?

Mr. LEFLORE. Again, I think at the court process, at the adjudicatory stage, maybe that is true, but I think, in my opinion, the problem starts at the arrest——

Senator KOHL. Pardon me?

Mr. LEFLORE. The problem starts at the arrest stage, and if there are more minorities arrested, then there are going to be more minorities caught up in the system at every stage after that. But I do agree that that is a major problem.

I found, and a number of researchers find, that there is less discretion at the adjudicatory stage than at other stages. Judges deal with those cases that are presented before them, in my opinion, and from other researchers. They are following the law, you know, if you want to use that term. But the greater factor is at the discretion stage or the police officer, the arrest.

Senator KOHL. All right. Any further discussion that we need to place or any further discussion that we need to have on the importance of community-based systems rather than institutionalization? Let us talk about that, Dr. Williams.

Ms. WILLIAMS. Let me make two comments.

First of all, I think that when we talk community-based, we need to be talking both youth and parent because a number of parents need assistance in managing their children.

Judge RAMIREZ. Senator, if I could respond to the issue of lack of competent counsel, I think one of the problems that we have and one of the things that I am trying to do is we don't train lawyers how to effectively represent different sorts of people. We train lawyers to practice areas of law that are probably more glamorous than the juvenile court, and I think there has to be a reemphasis and dedication on the part of the law schools to train attorneys to represent the less glamorous people in society.

One of the things that I am trying to do right now with the law school in Colorado is to get them to create a juvenile justice clinic to train attorneys at that level to become child advocates. This past year, I taught a course in juvenile justice at CU in Boulder. It was the first time that course had been taught where the students actually went to the various detention facilities and met the inmates and met the kids there and saw what it was like.

I think from that experience I found a number of students who were more willing to get into that field than existed before. We need to emphasize that. We need to create a desire and demand from society that the law schools go in that direction with their students, and I think that could come from on high. I think the Federal Government, in giving money to these various law schools, could mandate or dictate that they create guardian ad litem programs, juvenile justice programs; make that part of the curriculum so that we have a growing body of attorneys who can effectively represent juveniles because it doesn't happen right now. I think that is one direction we can go with that thought.

Senator KOHL. You alluded to a system which you think is laced with a phrase that you described as benign racism.

Judge RAMIREZ. Right.

Senator KOHL. Would you tell us a little bit about what you mean?

Judge RAMIREZ. I don't think the people who work with juveniles intentionally want to place minority youth in the juvenile justice system, but it is all part of the risk factors, the lack of cultural and ethnic knowledge that creates decisions by people who deal with youth that put more minority youth in the court system.

They see them coming from single-parent homes. They have no training, no schooling; they are oftentimes on welfare. And they see those risk factors and they just assume certain things will happen with them. They don't intentionally see a black youth or a brown youth, but they see the risk factors and they don't think anything can develop positively from that, and that is what I meant by benign. It is not intentional on their part, but it is so ingrained in the social service system, in the probation service system and the court system that it just happens.

You automatically add up the risk factors and this is what we have to do with that youth. We have to get them to think on a broader perspective with these kids. You just can't see these risk factors and assume the worst possible consequence for them, and that is what I meant by that.

Senator KOHL. Dr. Williams?

Ms. WILLIAMS. One of the mechanisms that we are looking at in the children's services areas in a number of States is creating the opportunity to fund community-based services and family-based services for youngsters by allowing States flexibility to move their placement dollars, to redeploy them for community-based services.

My comment really ties in to Mr. O'Donnell's comments about the amount of money we spend for institutions and out-of-home care. So what we are beginning to see in children's services is a diversion of those placement dollars to more community-based services which are much more cost effective, and that kind of thinking is one of the financing opportunities that I think may be available.

Senator KOHL. Dr. O'Donnell.

Mr. O'DONNELL. I would also just like to comment that the State of Utah is serving as a model for the State of Hawaii in the development of community-based programs, and I think the State of Utah has one of the best developed systems and we should be taking a look at how they have developed that system as a model for other States as well.

Senator KOHL. All right.

Mr. O'DONNELL. The State of Hawaii, as of next Monday, July 1, will be beginning the process to switch to community-based programs from their current institutional program.

Senator KOHL. Here at the Federal level, as you know, we have a Federal Office of Juvenile Justice, with a chairman, and we also have a Subcommittee on Juvenile Justice with myself as chairman. Could you tell me what are the one or two things that you need to have us do forthwith to help you in your efforts?

Mr. LEFLORE. Senator Kohl, there are several things. If I may limit them to two or three, I think more important than a number of things we have dealt with specifically is the need for a comprehensive national family health plan in this country. If your particular committee can in any way support that particular effort, I think we would be far ahead.

I hear many people talking about the importance of family. I hear many people talk about the importance of parents as role models, but I hear very few people talking about a comprehensive family plan or policy in this country. When I mention family health policies in this country to people, they say, well, we have mental health, but I think mental health does not address family issues as a family health plan would. I think that would be preventive in a number of ways not only for minority children but for majority children and for mothers and fathers or men and women as well.

I think, also, if you could in some way help to monitor what is happening within juvenile justice at the arrest stage, at the adjudicatory stage, dispositional stage, that would be most helpful. And I think what is needed in a number of ways is, in additional to what we call cultural sensitivity, also cultural competency being reflected in the policies of those agencies serving children, whether those agencies be with children's services attached to a welfare department or probation services attached to a department of youth services. I think we need to monitor those things, and we need definitely to have cultural competency within the policies and regs of those agencies.

I think, also, if there is anything that can be done to help to establish advocacy for children—there are people working with children and, in my opinion, as I talk with them across this country, they don't necessarily identify with the juvenile justice philosophy or issues that I think are juvenile justice issues and philosophical tenets.

I find them acquiescing and a number of times identifying with the more punitive-minded persons, persons who are attached with the adult criminal justice systems. I find probation officers a number of times making recommendations that are much more punitive and in line with the adult criminal justice system than with

the juvenile. It is as if they are afraid or not willing to be advocates for children, and I think children need advocates today more than ever before, in my opinion. Maybe we need to resurrect or redesign a child-saving movement of some sort, but definitely we need to give more time, more resources to children.

Senator KOHL. What can we do here at the Federal level, Dr. Williams?

Ms. WILLIAMS. I would add to that list a real attention to picking high-risk youngsters up early in terms of prevention and early intervention. Most of our systems often enter too late with too few resources, so I would add to that list early intervention.

A second notion that no one has talked about is that I think that the communities of color from which these children come have to be part of the solution, and there has to be more community-based planning, neighborhood-based planning, dialogue and participation. Troubled kids cannot just be handed off to a service delivery system, but we need to look at the networks within communities and engage them particularly in the early intervention and prevention strategies.

Senator KOHL. Dr. O'Donnell?

Mr. O'DONNELL. I think there are any number of things that could be done. I would urge support for gun control efforts, for example, to reduce the availability of guns to youth in our communities. I would support the United Nations Convention on the Rights of the Child. I think that is a very important document symbolically for the United States, as well as for other countries.

And, of course, the issue that I have been talking about this morning is funding and support for programs to develop community-based programs that are culturally designed or culturally appropriate or with cultural capacity—we are all using different words this morning, but I think we all mean the same thing—and that reduce contact among youth who are at high risk for delinquency.

Senator KOHL. Let me ask this question. Is it fair to state that where you have two parents in the home and they are both doing their very best in a reasonably intelligent way to work with their children that that is the best atmosphere—I mean, that is the number one thing. If we could have one wish list, that would be the number one thing that we would want to see happen?

Ms. WILLIAMS. Let me respond to that because I think that we all want children to have two parents, to have stability, to be reared by people who are knowledgeable about nurturing and supporting them and educating them. The reality is that that is not the case in this country any longer.

If you look at the percentage of children who will go from zero to 18 with the same two parents as their primary caretakers, the proportion is dramatically low. So I think the question for us becomes not only how do we recreate these kinds of family structures, but how do we support kids who find themselves growing up in families with one parent in communities that are often disadvantaged communities, because that is the reality of many of the children that come into this system.

For me, I think the question is what supports do we need to build in for families as they are today, and what can we do to create the opportunity for more two-parent families in the future. For me, the

strategy is finding ways to help these young people grow up to be solid young people, no matter what their family structure is at this point in time, because if they are not solid, if they are not well raised, they can't create families well when they become people who are capable of childbearing. So I think we have to address families in the future, but supports for families today so our kids can become whole.

Senator KOHL. So you are saying the answer to my question is, theoretically, yes, but that is not the reality and we have to deal with the reality, and that is not the stable two-parent family in many, many cases that we used to know?

Ms. WILLIAMS. That is right. I think that is right.

Senator KOHL. Yes, Dr. LeFlore?

Mr. LEFLORE. As a family therapist and family sociologist, I definitely agree with that. I just would like to say that the two-parent family is an ideal. We really have not had the majority of our families living up to that ideal. Looking at our minority families throughout history, you know, in some cases there has been one parent in some cases.

So I think the concept of family health should take into consideration multiple family forms and look at not only the structure, but look at the function, and I say that in relationship to some studies that I have dealt with which indicate that economics is a more important factor than the two parents being in the home.

An intact family may not be in some cases a more powerful factor than economics in the socialization or the training of children and keeping them out of trouble with the law. So I think economics is an issue, and in that comprehensive family form or concept economics should be dealt with, in addition to structure.

Ms. WILLIAMS. Let me just say that much of our work in sociology and psychology of the family has focused on families who do not function well. We rarely do studies of single-parent families that function well and try to understand how they function.

But I just want to go on record saying that there are many single-parent families who do very well by their children. Generally, those are not the children that come into the child welfare and juvenile justice system, but we need to understand how they function so we can better support those other families.

Senator KOHL. All right. Let me ask this question, then, and just follow up on that because the family—you know, we talk about family. Given that we don't have stable two-parent families in many, many cases doing their job, and that is the beginning and the root cause of many of these problems—but you are suggesting that we have many one-parent families that are doing the job, and as a result their children don't appear in court nearly so often.

Is that essential to keeping the kids out of the juvenile justice system? If we are dealing with a one-parent family, how important is it that that one parent be doing a good job?

Mr. LEFLORE. It is very important, it is very important.

Ms. WILLIAMS. There is no question, it is the quality of the parenting.

Senator KOHL. OK, but I want to say this. What is the risk factor, in your opinion, when you get down to a family, whether it is two- or one-parent, where neither parent is doing the job that we

need to have done in terms of parenting, inculcating values, and so on? Now, are we dealing with an enormous risk factor?

Ms. WILLIAMS. Absolutely, absolutely.

Senator KOHL. I mean, now you are dealing with a risk factor which is so high that you almost have to just absolutely get ready to take over the responsibilities?

Ms. WILLIAMS. There are two-parent families that fail their children.

Senator KOHL. Yes.

Ms. WILLIAMS. There are single-parent families that fail their children.

Senator KOHL. But statistics——

Ms. WILLIAMS. I couldn't pull the statistics; I would have to go back and look at that. I mean, we see children in all of our systems. We see many single-parent families, but all child-serving systems also see troubled kids where there are two adults in the household, so that this issue of family stress and family dysfunction is not an issue owned exclusively by single-parent families.

Senator KOHL. Sure.

Ms. WILLIAMS. I think the broad question for us as a society and as a government is what do we need to do to assure that families can protect and nurture their kids, and I think this is what Mr. LeFlore was speaking to, and that is a broad issue. It becomes a greater issue for families of color because there is the convergence, often, of poverty, very troubled neighborhoods, and single parenthood.

But I think the picture that I would like to communicate to this subcommittee is that it is a complex interaction of factors and there is no single magic bullet. In a way, as a society, we have failed our families because we don't have a strong family policy. I think the findings yesterday of the National Commission on Children speak to some of the issues that children have that flow out of capacity of parents and supports to parents.

Judge RAMIREZ. Senator, if I could respond to that, I think, if I understand your question, you have hit on the important point. We keep talking about programs for kids. That doesn't solve anything. We can remove the child from the home, place him in an institution. We can have a great community program, but eventually that child is going to go back home to that family, whether it is one parent or two; he is going to live in that neighborhood.

The question is do we involve the parents in whatever we do with the kids, and if you don't—if anyone approaches you with a program that just deals with kids, I will tell you that program is doomed to fail because the kid did not come from a vacuum. He came from that home environment and that neighborhood.

If the parent can't parent, if the parent has dysfunctions they can't deal with, whether it is drugs or alcohol or education or lack of job skills, we will never do anything worthwhile to improve that child.

Senator KOHL. I think that is a very important statement for me to understand and to determine whether there is any disagreement with that on this panel. Judge Ramirez said you can put the kid into whatever program you want, but if you are not going to take him permanently out of the home, if he goes back there to the

same environment and to the same parent or parents, you are going to have an enormously high recurrence of the same problems. Now, is that a fair statement?

Mr. LEFLORE. I definitely identify with that statement. I worked in the juvenile justice system beginning in 1971. I worked in an institution for delinquent children. I worked as a probation officer. I was an intake officer. I supervised 17 counties of youth court activity for a particular State.

One of my major concerns was that, as a probation officer, we were working from 9 to 5 and the children were out there on the street. We were having children come to us for counseling, come to our offices for counseling. I found that ineffective.

When I started going to the community, to the basketball court and supervising my kids, I began to have a difference in response from those kids because I was going to their turf, and not only was I dealing with that child on my roll, but I was dealing with his friends, his siblings and sometimes his parents.

I began to recognize that if I do not continue that and other probation officers don't do similar things, it may be as if I am walking down the street, I see a piece of cloth in the gutter. It seems to be silk; it is soiled. I pick it up, I dust it off, I wash it, I perfume it, and if I drop it back there, it is going to become soiled again.

Senator KOHL. Yes.

Mr. LEFLORE. There is a need to deal with where those kids are.

Senator KOHL. Let me just go back to what I asked a minute ago. In the absence of adequate, good parenting, whether it is two or one, we are in big trouble. Other than radical solutions, like taking kids out of homes entirely and putting them into other permanent settings—in the absence of that, I am hearing you say the recidivism, the recurrence rate is just too high for us to be able to live with.

Judge RAMIREZ. Senator, one of the things that we——

Senator KOHL. Dr. Williams said—and you are right—there is not a silver bullet and there are so many problems and so many different situations that need to be addressed, you can't just finger one and say that is the answer. But I do hear you saying, and I have the sense myself, that in the absence of a parent or two parents who know what it means to parent successfully, that child, no matter what program you put him or her into—as long as they go back home to the same neighborhood, they are going to get in the same problems all over again at such a high rate that we really aren't getting at the core.

Dr. LeFlore, you are saying yes?

Mr. LEFLORE. Yes, I agree with you.

Ms. WILLIAMS. Let me just say that we have had some experience working with States that are dealing with very multiproblem families, and what we are finding is there is a set of program characteristics that seem to be helpful in helping families solve their problems and keeping kids at home.

One is that programs, as Dr. LeFlore mentioned, are in the home or in the community; that services are provided in the home or in the community; that they are intensive, so that there is access to those services for 24 hours. When there is a crisis, the service provider can respond.

Third, those programs attempt to identify and build on the strengths of families. Part of the work I did around the expectations—people ignored the strengths of families and their capacity to change. Another characteristic of those programs was that they focused on empowering families to solve their own problems. That has been well documented that those kinds of investments in families, even very troubled families, make a difference in the way they function and the way their children function. So as we talk community-based, that ought to be part of what we are talking about.

Judge RAMIREZ. If I could add to that, one of the things that we did in my State is adopt a parental responsibility program. Now, that is not a punitive-based statute or law. A lot of programs that are defined as parental responsibility programs go after the punitive aspect, punish the parents. The program we have in our State requires that if the parent of a juvenile has any dysfunction, no matter what it is, and the court feels that some training, counseling or parenting skills are necessary, the parent must go through that training or skill program.

Then we are not dealing with the juvenile in a vacuum; we are dealing with the whole family. So if the parent has a drug or alcohol abuse problem, they need to go into a program that will deal with that, and I think that is what you have to tie any dollars to. If the program just works with the kids, that is fine, but if you don't incorporate some responsibility on the parent, then I don't think the program will succeed at all.

I think on a Federal level, if you can tie funds to involving the family—parenting skills, responsibility—I think it would be far more effective than just giving money away to programs that deal with kids.

Senator KOHL. What is the risk factor where you have a one-parent family and that parent is not working?

Ms. WILLIAMS. I can't answer that. I mean, we talk about risk factors and we don't have any great probability.

Senator KOHL. Right.

Ms. WILLIAMS. I think the question you are asking is a question which really says, first of all, what is the impact of economics on a family. But, second, I think we have to also be willing to look at the fact that there can be nonworking low-income families that still parent well, and so we have to ask both of those questions in order to begin to look at the risk.

But that is a difficult question to answer. I mean, all of these questions—we are struggling around the interaction of money, work, parenting, social environment, and a range of other stressors, and it is difficult to give a simple answer, Senator Kohl.

Senator KOHL. Is it clear, that in terms of our budgeting and how we spend Federal dollars, looking at the future generation that we are raising up and what is happening, that we are making tremendous mistakes in not investing properly in seeing to it that the generation that is coming up is being raised properly, and that the dollar penalties that we are going to be paying—forget about all the social problems; we all understand that. We are so bad in what we are doing here that we almost have to take a look at ourselves and ask ourselves what are we doing. It doesn't make any sense.

Ms. WILLIAMS. That is right.

Senator KOHL. Is that a fair statement, Dr. O'Donnell?

Mr. O'DONNELL. I think we all agree with that, yes.

Senator KOHL. It doesn't make any sense. And is it fair to say the reason it is occurring is because there is at the elected official level, whether it is Federal, State or local, an unwillingness or an inability to make the kinds of investments with public tax dollars and public accountability, the results of which won't be known until those public officials are out of office, and they don't want to do that? They want to make investments that will—is that part of the problem, being it is so easy to understand what we are doing here, and ask ourselves, well, why are we doing this?

Do you think part of the answer is that we are loathe to make investments, the payoff of which is beyond that time we are going to be in office?

Mr. O'DONNELL. We are also, I think, making the wrong investments. We are investing a great deal of money in programs that are failing—institutional programs, in the example that we are talking about this morning. So, yes, we should be investing in many more things with children and families, but we also should be examining investments we are already making and why they are failing and why we continue to fund them in the face of that failure.

Senator KOHL. I guess the question is, finally, how do you change this behavior. You know, we are here to try and move off the dime. How do you change the behavior in which we are engaged? I don't mean with the kids; I mean at this level of making decisions in planning and allocating resources and programs. How do you change this behavior? There is a vote, so we have about 5 more minutes and then our hearing is over.

Judge RAMIREZ. I think something needs to be done to cause us to think about kids at every issue at every funding source. Something as tangential as our $2 billion airport in Denver will affect kids. There has not been one program thought of or developed that would require the construction people out there to hire inner-city or juvenile court kids. Those are high-paying jobs, anywhere from 15 to $25 an hour.

We are talking about the investment in the future of Colorado and Denver in building that airport, and yet no one wants to invest that money in the future of our youth by starting training programs at that airport for the inner-city youth.

Senator KOHL. When you say nobody wants to, why?

Judge RAMIREZ. Because kids don't vote and parents of indigent kids don't vote. They have no constituency and no one cares, but every dollar we spend goes and affects kids in some way or form.

Senator KOHL. You are saying it is the politics of it all?

Judge RAMIREZ. That is right.

Senator KOHL. Yes?

Mr. LEFLORE. You asked what can we do. I think it is a very comprehensive process, but I think from my perspective one thing we can do in an effort to change our philosophy or our approach from reactive to proactive is, within the juvenile justice system, to look at the privacy of records. Now, this is controversial, but as a researcher I have attempted to look at how effective certain pro-

grams are when children have been sentenced to, for instance, family services in different courts.

But there is very little access to those data, so I don't know whether those children—and I don't think we generally know how children are impacted by the various strategies that they are assigned to in the juvenile court. Maybe if there was some relaxing of that particular rule—you know, privacy of the juvenile court records—and a monitoring, at least periodically, of how those children were processed, what happened in their cases, we maybe could get some idea as to what was effective and what was not. I think, you know, if we are reasonable, rational people, if we see what was not effective, we should begin to change our strategy.

I worked with child abuse, some Children's Justice Act programs, where we would look at child abuse type cases, and in some States we don't know what happened to those children who were referred to the welfare departments as abused children because of the privacy-type thing.

Ms. WILLIAMS. Related to this, one of the things that tends to happen in terms of the way we examine the implementation of public policy in the children's area is that we look at the process by which kids are helped, but we don't look at the results. And it would seem to me that one of the things that could begin to occur in Federal policy is to establish certain kinds of performance outcomes and outcomes related to the results for kids in families that become the measuring stick by which programs are evaluated.

We are very good at counting the number of contacts, whether court hearings were on time, and that kind of thing, but we never ask the question, so what difference does it make. And so I would recommend a real look at evaluating the outcomes of programs in this area rather the process by which services are delivered.

Senator KOHL. Dr. O'Donnell?

Mr. O'DONNELL. I would just add that we could also marshal what resources we do have and target high-risk neighborhoods. Clearly, there are neighborhoods that are much higher risk for youth than other neighborhoods. We were talking about parents a few minutes ago, and one of the ways that good parenting helps is to provide adult supervision. In the absence of that adult supervision, kids then get in trouble in those neighborhoods.

So when parents are absent, either for reasons of employment or single parenthood or they just don't have the training—whatever the reason may be, one of the things we could be doing is examining those programs in those high-risk neighborhoods to see that they are providing adult supervision, albeit not parents, but nevertheless adult supervision for youth activities in those neighborhoods.

Senator KOHL. Well, let me thank you all. You have really provided a very stimulating discussion and brought many important points to bear on the entire subject. It will be very useful to me and my subcommittee as we try and map some legislation, some strategy, some action to try and remedy what is clearly one of the most important, critical problems in our society today that we are not addressing and not making sufficient progress on—the whole question of young people in trouble.

So thank you for coming, and I appreciate your time and your insights.

This hearing is adjourned.

[Whereupon, at 11:47 a.m., the subcommittee was adjourned.]

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